

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

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DENISE CASSESE, f/k/a DENISE CALIGUIRI, :  
GEORGE SCOTT RUSH, RICHARD :  
MELICCHAR and RICHARD SCHOERER, :  
individually and on behalf of all others similarly :  
situated, : Case No. 2:05-cv-2724-ADS-ARL  
Plaintiffs, : Honorable Arthur D. Spatt  
vs. : Honorable Arlene R. Lindsay  
WASHINGTON MUTUAL, INC.; :  
THE FEDERAL DEPOSIT INSURANCE :  
CORPORATION, in its capacity as receiver for :  
WASHINGTON MUTUAL BANK, such entity :  
having incorporated former defendants :  
WASHINGTON MUTUAL BANK, FA, :  
WASHINGTON MUTUAL HOME LOANS, INC.; :  
and WASHINGTON MUTUAL BANK, FSB, :  
Defendants.  
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**DECLARATION OF PETER D. ST. PHILLIP, JR. IN SUPPORT OF PLAINTIFFS' AND  
THE CLASS' MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANT  
WASHINGTON MUTUAL, INC.'S MOTION FOR JUDGMENT ON THE  
PLEADINGS OR, IN THE ALTERNATIVE, TO DECERTIFY THE CLASS**

I, PETER D. ST. PHILLIP, JR., declare, pursuant to 28 U.S.C. § 1746, that:

1. I am a shareholder of Lowey Dannenberg Cohen & Hart, P.C., a law firm with offices in White Plains, New York and West Conshohocken, Pennsylvania, and counsel to the Plaintiffs and the absent members of the class in this matter.

2. Attached as Exhibit "A" hereto is a true and correct copy of Defendants' Counter-Statement In Response to Plaintiffs' Statement of Undisputed Material Facts, which was served on me on June 6, 2008.

3. Attached as Exhibit "B" hereto is a true and correct copy of the written testimony of James G. Vanasek, Former Chief Credit Officer/Chief Risk Officer of Washington Mutual, provided to the Senate Permanent Subcommittee on Investigations on April 13, 2010 as part of its investigation into Wall Street and the Financial Crisis: The Role of High Risk Home Loans ("Senate WaMu Hearing"). I downloaded this testimony from the website of the Senate Committee on Homeland Security and Governmental Affairs: [www.hsgac.gov](http://www.hsgac.gov).

4. Attached as Exhibit "C" hereto is a true and correct copy of Exhibit 34 to the Senate WaMu Hearing, a "Washington Mutual, Inc." document dated September 8, 2008.

5. Attached as Exhibit "D" hereto is a true and correct copy of written testimony of Randy Melby, General Auditor for "Washington Mutual" from December 2004 until September 2008, provided to the Senate Permanent Subcommittee on Investigations on April 13, 2010. I downloaded this testimony from the website of the Senate Committee on Homeland Security and Governmental Affairs: [www.hsgac.gov](http://www.hsgac.gov).

6. Attached as Exhibit "E" hereto is a true and correct copy of written testimony of David Schneider, President of Home Loans at "Washington Mutual" from July 2005 until September 2008, provided to the Senate Permanent Subcommittee on Investigations on April 13, 2010. I downloaded this testimony from the website of the Senate Committee on Homeland Security and Governmental Affairs: [www.hsgac.gov](http://www.hsgac.gov).

7. Attached as Exhibit "F" hereto is a true and correct copy of Debtor's Answer and Amended Counterclaims In Response to the Complaint of JPMorgan Chase Bank, N.A., filed on September 11, 2009 in *In re Washington Mut., Inc.*, Case No. 08-12229 (MFW), Adversary Proceeding No. 09-50551 [Docket No. 139].

8. Attached as Exhibit "G" is a true and correct copy of a document entitled "Washington Mutual GL Administration Policy – Internal Corporate Demand (DDA) Establishment and Usage Policy".

9. Attached as Exhibit "H" is a true and correct copy of a document entitled "Washington Mutual GL Administration Policy – Policy to Request New GL Account".

10. Attached as Exhibit "I" is a true and correct copy of a document entitled "General Standards – Authorized Individuals for Intercompany Transactions from WMI and Banking Affiliates".

11. Attached as Exhibit "J" is a true and correct copy of a document entitled "Journal Entry Request Form" dated 8/20/2008 showing a total contribution from WMI to fsb of \$14,696,000,000.00.

12. Attached as Exhibit "K" is a true and correct copy of a print-out of an electronic mail communication reflecting approvals of a \$500 million capital contribution from WMI to WMB.

13. Exhibits G through and including K were submitted by WMI to the Delaware Bankruptcy Court in support of a motion for summary judgment it made in *In re Washington Mut., Inc.*, Case No. 08-12229 (MFW), Adversary Proceeding No. 09-50934.

14. Attached as Exhibit "L" hereto is Debtor's Answer and Counterclaim To Plaintiffs' Complaint, filed on April 7, 2101 in *In re Washington Mut., Inc.*, Case No. 08-12229 (MFW), Adversary Proceeding No. 09-50731 [Docket No. 8].

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 9, 2010  
White Plains, New York

  
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PETER D. ST. PHILLIP, JR.